

**IT IS HEREBY ADJUDGED
and DECREED this is SO
ORDERED.**

The party obtaining this order is responsible for
noticing it pursuant to Local Rule 9022-1.

Dated: March 08, 2010



JOSEPH W. CHARLES, P.C.
5704 West Palmaire Avenue
Post Office Box 1737
Glendale, Arizona 85311-1737
Telephone: (623) 939-6546
Fax: (623) 939-6718
Email: LawOffice@JoeCharles.com

Randolph J. Haines

RANDOLPH J. HAINES
U.S. Bankruptcy Judge

JOSEPH W. CHARLES
State Bar No. 003038
Attorney for Debtors/Plaintiffs

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

IN RE:

DOUGLAS ARTHUR WEBER and
ANDREA JANE WEBER,

Debtors.

DOUGLAS ARTHUR WEBER and
ANDREA JANE WEBER,

Plaintiffs,

vs.

GMACB ASSET MANAGEMENT
CORP., GMAC MORTGAGE
CORPORATION d/b/a DITECH.COM
and GMAC MORTGAGE, LLC.,
Authorized Loan Servicing Agent,
Defendants; and RUSSELL BROWN,
CHAPTER 13 TRUSTEE

Defendants.

Chapter 13 Proceedings

Adversary No. 2:09-ap-01526-RJH

Case No. 2:09-bk-14257-RJH

JUDGMENT

RE: Real Property Located at
3037 W. Eagle Claw Drive
Phoenix, Arizona 85086

THE COURT having reviewed the Court file, and being duly advised in the
premises,

1 IT IS ORDERED THAT Judgment is granted in favor of the Debtors/Plaintiffs.

2 IT IS FURTHER ORDERED THAT Defendants' lien on real property located
3 at 3037 W. Eagle Claw Drive, Phoenix, Arizona, 85086, and legally described as
4 follows:

5 BEING LOT NUMBER 71 IN TRAMONTO PARCEL
6 W-19 AS SHOWN IN THE RECORDED PLAT/MAP
7 THEREOF IN BOOK 528 OF MAPS PAGE 16 OF
8 MARICOPA COUNTY RECORDS

9 Permanent Parcel Number: 203-26-209
10 DOUGLAS A. WEBER AND ANDREA J. WEBER,
11 HUSBAND AND WIFE
12 3037 WEST EAGLE CLAW DRIVE, PHOENIX AZ
13 85086

14 First American Order No. 8701567
15 Identifier: FIRST AMERICAN LENDERS
16 ADVANTAGE

17 be stripped and rendered void subject to the provisions herein;

18 IT IS FURTHER ORDERED THAT Defendants' account #8655843529 is a
19 general unsecured, non-priority lien;

20 IT IS FURTHER ORDERED THAT upon discharge of Debtors/Plaintiffs
21 Chapter 13 proceeding, Defendants shall provide a release of lien on the real
22 property to the Debtors within thirty (30) days of the date of the order granting
23 discharge;

24 IT IS FURTHER ORDERED THAT Defendants file notice with the
25 appropriate County Records Office of the release of said lien;

26 IT IS FURTHER ORDERED THAT the entire claim of Defendants shall be
27 treated as a general unsecured claim and shall share in any unsecured proceeds;
28

1 IT IS FURTHER ORDERED THAT Defendants' lien shall remain in place
2 until Debtors/Plaintiffs complete the Chapter 13 Plan and are granted a discharge;

3 IT IS FURTHER ORDERED THAT Defendants' lien shall remain in place
4 and Defendants' debt shall remain secured should the subject property be sold or
5 should a refinance take place prior to Plan completion and entry of Discharge;
6

7 IT IS FURTHER ORDERED THAT Defendants' lien shall remain in place
8 and Defendants' debt shall remain secured should Debtors case be dismissed or
9 converted to another Chapter; and

10 IT IS FURTHER ORDERED THAT each of the parties will bear their own
11 costs and expenses associated with this action.
12

13 DATED this _____ day of _____, 2010.
14
15

16
17 _____
18 Honorable Randolph J. Haines
19 United States Bankruptcy Court Judge
20
21
22
23
24
25
26
27
28